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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/618,183 07/10/2003 Stephen Epstein MEDIV2010-4 4304 28213 7590 08/14/2006 **EXAMINER** DLA PIPER RUDNICK GRAY CARY US, LLP GUIDRY, GUY L 4365 EXECUTIVE DRIVE ART UNIT PAPER NUMBER **SUITE 1100** SAN DIEGO, CA 92121-2133 1636

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## **Notice of Non-Compliant** Amendment (37 CFR 1.121)

Application No.	Applicant(s)
10/618,183	EPSTEIN ET AL.
Examiner	Art Unit
Guy Guidry, Ph.D.	1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 02 June 2006 is considered non-compliant because it has failed to meet the re ite

req	quirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following m(s) is required.
TH	E FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:  1. Amendments to the specification:  A. Amended paragraph(s) do not include markings.  B. New paragraph(s) should not be underlined.  C. Other
	<ul> <li>2. Abstract:</li> <li>A. Not presented on a separate sheet. 37 CFR 1.72.</li> <li>B. Other</li> </ul>
	<ul> <li>3. Amendments to the drawings:         <ul> <li>A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).</li> <li>B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.</li> <li>C. Other</li> </ul> </li> </ul>
	<ul> <li>4. Amendments to the claims: <ul> <li>A. A complete listing of all of the claims is not present.</li> <li>B. The listing of claims does not include the text of all pending claims (including withdrawn claims)</li> <li>C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).</li> <li>D. The claims of this amendment paper have not been presented in ascending numerical order.</li> <li>E. Other: See Continuation Sheet.</li> </ul> </li> </ul>
	5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
For	r further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.
TIN	ME PERIODS FOR FILING A REPLY TO THIS NOTICE:
1.	Applicant is given <b>no new time period</b> if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the <b>entire corrected amendment</b> must be resubmitted.
2.	Applicant is given <b>one month</b> , or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a <i>Quayle</i> action. If any of above boxes 1. to 4. are checked, the correction required is only the <b>corrected section</b> of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Part of Paper No. 20060725

Continuation of 4(e) Other: When claim text with markings is required. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended, "and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn- currently amended. MPEP 714.

Claim 40 contains text that is not newly added but indicated as such with underlining.